

**STATEMENT OF BASIS (AI No. 20098)**

for draft Louisiana Pollutant Discharge Elimination System permit No. **LA0052361** to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** International Marine Terminals Partnership  
Myrtle Grove Terminal  
18559 LA Highway 23  
Port Sulphur, LA 70083-9722

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Lisa Kemp

**DATE PREPARED:** August 4, 2009

**1. PERMIT STATUS****A.. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term

**B. NPDES permit –** NPDES permit effective date: N/A  
NPDES permit expiration date: N/A  
EPA has not retained enforcement authority.

**C. LPDES permits –**  
LPDES permit effective date: February 1, 2004  
LPDES permit expiration date: January 31, 2009

**D. Date Application Received:** December 8, 2008; updated application received June 2, 2009; additional information received May 18, 2009, June 11, 2009, June 19, 2009, June 23, 2009, and July 16, 2009.

**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - coal and coke bulk terminal and dry bulk transfer facility**

This is an existing dry bulk transfer facility. Coal and coke are received by vessel and transferred to shore for temporary storage in the north and south storage yards.

**B. FEE RATE**

1. Fee Rating Facility Type: minor

2. Complexity Type: II as per LAC33:IX.1319 Table I and SIC 4463.. In Appendix A - Section IV (Relation of 1987 to 1977 Industries) of the Standard Industrial Classification Manual, the SIC code 4491 is equivalent to a previous SIC code of 4463

3. Wastewater Type: III

4. SIC code: 4491

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C. LOCATION - 18559 LA Highway 23, Mississippi River Mile 56.5, Port Sulphur, Plaquemines Parish. Latitude 29° 37' 19", Longitude 89° 55' 13"

### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: low contamination potential stormwater runoff from the South Yard  
Treatment: retention (settling) basins and pH adjustment  
Location: at the point of discharge from retention basin # 3 prior to mixing with other waters  
Flow: intermittent (estimated average flow is 100,000 GPD)  
Discharge Route: Mississippi River

Retention Basin #3 does not receive any process-related stormwater from the South Yard perimeter ditch system. All contact stormwater is diverted to the North Yard perimeter ditch system. Discharge through Outfall 001 occurs only during extremely heavy rainfall events.

#### Outfall 002

Discharge Type: stormwater runoff from the north coal and coke storage area and/or from the south coal and coke storage area  
Treatment: retention (settling) basins and pH adjustment  
Location: at the point of discharge from retention basin # 2 prior to mixing with other waters  
Flow: 850, 000 GPD  
Discharge Route: Mississippi River

Note: Outfall 003 and Outfall 004 were deleted in the previous permit.

#### Outfall 005

Discharge Type: treated sanitary wastewater  
Treatment: septic system, then to retention basin  
Location: at the point of discharge from the sewage treatment system, prior to mixing with other waters  
Flow: estimated 3000 GPD based on 150 employees @ 20 GPD/employee  
Discharge Route: Mississippi River

According to the application, discharge from Outfall 005 only occurs in severe rain events that cause flooding of the facility.

#### Outfall 006

Discharge Type: facility ballast and void water  
Treatment: none  
Location: at the point of discharge from the vessel, prior to mixing with other waters  
Flow: intermittent  
Discharge Route: Mississippi River

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Outfall 007

Discharge Type: hydrostatic test water  
Treatment: none  
Location: at the point of discharge from the tank or vessel being tested prior to mixing with other waters  
Flow: intermittent  
Discharge Route: Mississippi River via Outfall 002

**4. RECEIVING WATERS**

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES -  
a. primary contact recreation  
b. secondary contact recreation  
c. propagation of fish and wildlife  
d. drinking water supply

**5. TMDL STATUS**

Subsegment 070301, Mississippi River - from Monte Sano Bayou to Head of Passes, is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDLs have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

**6. CHANGES FROM THE PREVIOUS PERMIT**

Outfall 001

Retention Basin #3 does not receive any process-related stormwater from the South Yard perimeter ditch system. All contact stormwater is diverted to the North Yard perimeter ditch system. Therefore, the outfall description has been changed from "stormwater runoff from the south coal and coke storage area" to "low contamination potential stormwater runoff from the South Yard."

Effluent limitations and monitoring requirements for TSS and Total Iron are no longer included since the discharge is non-contact stormwater runoff.

Outfall 005

Monthly average effluent limitations for BOD, TSS, and Fecal Coliform and monthly average flow reporting have been established at Outfall 005. Weekly average limitations are now daily maximum limitations. These changes have been made in accordance with current LDEQ guidance for similar discharges.

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#### Outfall 006

The wastewater description has been changed from "maintenance ballast water from the facility's crane and/or deck barges" to "facility ballast water and void water." Visual Sheen has been added to Outfall 006 with a once/day monitoring frequency. Monitoring frequency for all other parameters has been changed from once/month when sampling is required to once/event when sampling is required. These changes have been made in accordance with current LDEQ guidance for similar outfalls from similar facilities.

Outfall 007 has been added for the discharge of hydrostatic test water.

#### Part II

Because discharges from this facility flow into a drinking water protection area, language has been added to Part II of the permit requiring the permittee to contact the nearby drinking water treatment facility in the event of any unauthorized discharge into the Mississippi River.

Part II language for facility ballast and/or void water has been updated in accordance with current LDEQ guidance for similar discharges from similar facilities.

Language has been added to Part II of the permit stating that this LPDES permit does not exempt the facility from compliance with the requirements of the EPA Vessel General Permit for Discharges Incidental To The Normal Operation of Vessels (VGP).

### **7. COMPLIANCE HISTORY/COMMENTS**

- A. OEC – There are no open, appealed, or pending OEC enforcement actions as of August 4, 2009.

#### Spills:

July 31, 2008 – Two incidents of coal/coke being dumped into the Mississippi River were reported. An inspection conducted in response to the reports was conducted on August 27, 2008. The following items were found: When coke is transferred from barges to the stock piles, some dust is generated due to the powdery nature of the material. The dust collected on the water surface the day of the incident.

March 11, 2008 – The secondary containment was being emptied and the spigot was not tightened. Used oil filtered to the ditch system. 4000 gallons of oil and water were removed from the ditches and ponds. Four 65-gallon drums of oil contaminated soil were removed from the site. The release was contained on site.

- B. DMR Review/Excursions – DMRs on file were reviewed for the period December, 2006 through March, 2009. All DMRs for Outfalls 001, 005, and 006 reported "No Discharge." The following excursions were noted for Outfall 002:

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Date	Parameter	Outfall	Reported Value	Permit Limits
March, 2009	TSS	002	64 mg/L	60 mg/L
Aug., 2007	Total Iron	002	9.97 mg/L	3.5 mg/L (Monthly Average)
	Total Iron	002	9.97 mg/L	6.0 mg/L (Daily Max)
Apr., 2007	Total Iron	002	4.48 mg/L	3.5 mg/L (Monthly Average)

- C. Inspections - An inspection conducted in response to two spill reports was conducted on August 27, 2008 and showed no areas of concern. An annual monitoring well inspection conducted on June 17, 2009 revealed no areas of concern.

## 8. EXISTING EFFLUENT LIMITS

**Outfall 001 – stormwater runoff from the south coal and coke storage area**

**Outfall 002 – stormwater runoff from the north coal and coke storage area and/or from the south coal and coke storage (Outfall 001)**

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	Mg/L (unless stated)		
Flow - MGD	Report	Report	1/month
Oil and Grease	---	15	1/month
TSS	---	60	1/month
TOC	---	50	1/month
Total Iron	3.5	6.0	1/month
pH Min/Max (standard units)	6.0 (min)	9.0 (max)	1/month

**Outfall 005 – treated sanitary wastewater**

Pollutant	Limitation		Frequency
	Monthly Avg.	Weekly Avg	
	Mg/L (unless stated)		
Flow - MGD	Report	Report	1/6 months
BOD <sub>5</sub>	---	45	1/6 months
TSS	---	135	1/6 months
Fecal Coliform (col/100 ml)	---	400	1/6 months
pH Min/Max (standard units)	6.0 (min)	9.0 (max)	1/6 months

**Outfall 006 – maintenance ballast from the facility's crane and/or deck barges**

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	Mg/L (unless stated)		
Flow - MGD	Report	Report	1/month
COD	---	250	1/month
Oil and Grease	---	15	1/month
pH Min/Max (standard units)	6.0 (min)	9.0 (max)	1/month

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Note: Testing is only required if a visible sheen is present.

**9. ENDANGERED SPECIES**

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

**10. HISTORIC SITES**

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

**11. TENTATIVE DETERMINATION**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

**12. PUBLIC NOTICES**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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**Rationale for International Marine Terminals Partnership**

1. **Outfall 001** – low contamination potential stormwater runoff from the South Yard (intermittent, estimated flow is 100,000 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow - MGD	Report	Report	LAC 33:IX.2707.I.1.b
TOC	---	50	Previous permit, LDEQ stormwater guidance*
Oil and Grease	---	15	Previous permit, LDEQ stormwater guidance*
pH (standard units)	6.0 (min.)	9.0 (max.)	Previous permit, LDEQ stormwater guidance*

**Treatment:** retention (settling) basin and pH adjustment

**Monitoring Frequency:** 1/month for all parameters

**Limits Justification:** TOC, Oil and Grease, and pH are based on the previous permit and LDEQ Stormwater Guidance\*. Effluent limitations and monitoring requirements for TSS and Total Iron are no longer included since the discharge will now be non-contact stormwater runoff.

\* LDEQ's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)

Note: Retention Basin #3 does not receive any process-related stormwater from the South Yard perimeter ditch system. All contact stormwater is diverted to the North Yard perimeter ditch system. Discharge through Outfall 001 occurs only during extremely heavy rainfall events.

2. **Outfall 002** - stormwater runoff from the north coal and coke storage area and/or from the south coal and coke storage area ( estimated flow is 850,000 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow - MGD	Report	Report	LAC 33:IX.2707.I.1.b
TOC	---	50	Previous permit, LDEQ stormwater guidance*
TSS	---	60	BPJ, Previous permit
Total Iron	3.5	6.0	BPJ, Previous permit
Oil and Grease	---	15	Previous permit, LDEQ stormwater guidance*
pH (standard units)	6.0 (min.)	9.0 (max.)	Previous permit, LDEQ stormwater guidance*

**Treatment:** retention (settling) basins and pH adjustment

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**Monitoring Frequency:** 1/month for all parameters

**Limits Justification:** TOC, Oil and Grease, and pH are based on the previous permit and LDEQ Stormwater Guidance\*. The TSS and Total Iron limitations are based on the previous LPDES permits. The LPDES permit limitations were based on NPDES and LWDPs permits which have been issued to this facility since 1978. According to the 1976 rationale, effluent limitations in the state permit were based on reference to 40 CFR 434.22, Coal Preparation Plants and Coal Preparation Plant Associated Areas, and commitments contained in the application to the Louisiana Stream Control Commission. The limitations were slightly more restrictive than those contained in 40 CFR 434.22. According to the rationale, effluent limitations for the May, 1983 NPDES permit were based on BPJ.

\* LDEQ's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)

3. **Outfall 005** – treated sanitary wastewater (estimated flow is 3000 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Maximum	
	mg/L (unless stated)		
Flow	Report	Report	
BOD <sub>5</sub>	30	45	Previous permit (daily max), Similar discharges* (BPJ), LAG530000
TSS	90	135	Previous permit (daily max), Similar discharges* (BPJ), LAG530000
Fecal Coliform colonies/100ml	200	400	Previous permit (daily max), Similar discharges* (BPJ), LAG530000
pH, s.u.	6.0 (min)	9.0 (max)	Similar discharges* (BPJ), LAG530000

**Treatment:** septic system then to retention basin

**Monitoring Frequency:** Semiannually for all parameters at the point of discharge from the sewage treatment system prior to mixing with other waters.

**Limits Justification:** Limits and monitoring frequencies are based the previous permit and/or current guidance for similar discharges from other industrial facilities and the Class I Sanitary Discharge General Permit, LAG530000 effective December 1, 2007.

3. **Outfall 006** – facility ballast water and void water (flow is intermittent)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow <sup>1</sup>	Report	Report	
COD <sup>1</sup>	---	250	Previous permit, Similar discharges (BPJ)
Oil & Grease <sup>1</sup>	---	15	Previous permit, Similar discharges (BPJ)
Visual Sheen <sup>2</sup>	---	No presence	Similar discharges (BPJ)
pH, s.u. <sup>1</sup>	6.0 (min)	9.0 (max)	Previous permit, Similar discharges (BPJ)



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**Treatment:** none

**Monitoring Frequency:** 1/day for Visual Sheen. Flow, COD, Oil & Grease and pH shall be monitored once per event at the point of discharge from the vessel prior to combining with other waters. Monitoring frequency for flow, COD, Oil & Grease and pH has been increased from once per month to once per event when sampling is required based on current LDEQ guidance for similar discharges from other industrial facilities.

**Limits Justification:** Limits are based on the previous permit (limits were based on a similarly permitted outfall, LPDES Permit LA0108944 Marmac, LLC) and current LDEQ guidance for similar discharges from other industrial facilities.

1. Discharge shall be sampled whenever there is a presence of a visible sheen.
2. When discharging.

4. **Outfall 007 – hydrostatic test water (flow is intermittent)**

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	LAG670000
Oil & Grease	---	15	LAG670000
TOC	---	50	LAG670000
TSS	---	90	LAG670000
Benzene	---	50 µg/l	LAG670000
Total Lead	---	50 µg/l	LAG670000
BTEX	---	250 µg/l	LAG670000

**Treatment:** none

**Monitoring Frequency:** 1/discharge from each tank or vessel being tested.

**Limits Justification:** Limits and monitoring frequency are based on the Hydrostatic Test General Permit (LAG670000). Limitations for pH are not included because pH will be monitored at the final outfall, Outfall 002.

BPJ      Best Professional Judgement  
su      Standard Units

**NOTE**

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

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### **STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT**

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.h, facilities classified as SIC code 4491 are not considered to have storm water discharges associated with industrial activity unless they have "vehicle maintenance shops, equipment cleaning operations, or airport deicing operations." This facility does perform vehicle and equipment maintenance. There is also potential for stormwater contamination from processes including loading and unloading and storage of chemicals.

**For first time permit issuance**, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).